



DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

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Type: ☐ Policy ☒ Procedure ☐ Policy and Procedure

INTRODUCTION

Title 40 of the Code of Federal Regulations (CFR), Part 7, prohibits discrimination on the basis of race, color, national origin, age, sex, or handicap in programs or activities receiving federal assistance from the United States Environmental Protection Agency (EPA). It requires recipients of federal assistance from the EPA to:

- A. Collect, maintain, and provide information showing compliance with 40 CFR Part 7;
- B. Designate a person to be the Nondiscrimination Compliance Coordinator to coordinate efforts to comply with 40 CFR Part 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR Part 7; and
- D. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or handicap, and of the identity and contact information for the Nondiscrimination Compliance Coordinator.

As set forth below, it is the Michigan Department of Environmental Quality's (MDEQ) policy not to discriminate on the basis of several factors, including those in 40 CFR Part 7. In addition, the MDEQ adopts the following procedures to implement the requirements of 40 CFR Part 7.

PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF 40 CFR PART 7

A. Compliance Information

(1) The MDEQ shall collect, maintain, and on request of the EPA Office of Civil Rights (OCR), provide the following information to show compliance with 40 CFR Part 7:

(a) A brief description of any lawsuits pending against the MDEQ that allege discrimination which 40 CFR Part 7 prohibits;

(b) Racial/ethnic, national origin, age, sex, handicap, and disability data, or EPA Form 4700-4 information submitted with MDEQ applications for EPA assistance;

(c) A log of discrimination complaints which identifies the complaint, the date it was filed, the date the MDEQ's investigation was completed, the disposition, and the date of disposition;

(d) Reports of any compliance reviews conducted by any other agencies;

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(e) Additional data and information specific to certain MDEQ programs or activities to determine compliance where there is reason to believe that discrimination may exist in a MDEQ program or activity or to investigate a complaint alleging discrimination in a MDEQ program or activity;

(2) When preparing compliance information, the MDEQ shall use the racial classifications set forth in 40 CFR § 7.25 in determining categories of race, color, or national origin;

(3) The MDEQ shall keep records of the compliance information identified in paragraphs (1)(a)-(1)(b) for at least three (3) years after completing a project for which MDEQ was a recipient of EPA assistance. When any complaint or other action for alleged failure by MDEQ to comply with 40 CFR Part 7 is brought before the three-year period ends, the MDEQ shall keep records until the complaint is resolved; and

(4) The MDEQ shall:

(a) Give OCR access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 CFR Part 7;

(b) Make compliance information available to the public upon request; and

(c) Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under the MDEQ's control. If such party refuses to release that information, the MDEQ shall inform the OCR and explain its efforts to obtain the information.

B. Nondiscrimination Compliance Coordinator

The Director of the MDEQ has designated the Barb Schaibly, Supervisor, Legal Services Section, as the MDEQ Nondiscrimination Compliance Coordinator (NCC) responsible to coordinate MDEQ's efforts to comply with its obligations under 40 CFR Part 7. The NCC contact information is:

Barb Schaibly, Nondiscrimination Compliance Coordinator
Supervisor, Legal Services Section
Department of Environmental Quality
525 West Allegan Street
P.O. Box 30241
Lansing, Michigan 48909-7741

Email: Schaiblyb@michigan.gov

Phone: 517-284-5147

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C. Grievance Procedures

The MDEQ adopts the following procedures to allow any person or group to submit a complaint alleging discrimination of any kind by the MDEQ, including discrimination by the MDEQ that may constitute a violation 40 CFR Part 7 or of any state or federal statutes or regulations, and in order to assure the prompt and fair resolution of any such discrimination complaints.

Step	Who	Grievance Procedure
Step 1	Complainant	<p>Submittal of Complaint</p> <p>In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint no later than 180 calendar days after the date(s) of the alleged act(s) of discrimination. <u>A Grievance Submission Form is attached.</u></p> <p>Complaints shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.</p> <p>The complaint shall specify with as much detail as possible:</p> <ul style="list-style-type: none">• The actions or inactions by the MDEQ that support an alleged violation of 40 CFR Part 7;• The alleged discrimination that did or will result from such actions or inactions;• The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and• The section of 40 CFR Part 7 that the MDEQ allegedly violated. <p>The MDEQ may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed on computer disks, on audio tape, or in Braille.</p> <p>All complaint submittals should be mailed (or emailed) to the NCC at the following address:</p> <p style="text-align: center;">Barb Schaibly, Nondiscrimination Compliance Coordinator Supervisor, Legal Services Section Department of Environmental Quality 525 West Allegan Street P.O. Box 30241 Lansing, Michigan 48909-7741</p> <p style="text-align: center;">Email: Schaiblyb@michigan.gov</p> <p style="text-align: center;">Phone: 517-284-5147</p>

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Step 2	NCC	<p>Logging of Complaint Submittals</p> <p>All complaint submittals are to be logged. The NCC shall retain a copy of all documents on file in accordance with the records retention schedule. The NCC shall also notify the relevant program manager(s).</p> <p>The following are examples of what will not be logged as a complaint submittal:</p> <ul style="list-style-type: none">• Anonymous submittals;• Submittals too vague to reasonably determine the allegations of discriminatory conduct;• Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination;• Inquiries seeking advice or information;• Courtesy copies of court pleadings;• Courtesy copies of complaints addressed to other local, State, or Federal agencies;• Newspaper articles;• Web-based media sources such as YouTube videos, email strings, blogposts, comments strings or webpages;• Courtesy copies of internal grievances; and• Voice mail messages, phone calls, or in-person conversations.
Step 3	NCC	<p>Initial Review of Complaint Submittals</p> <p>Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all documents and information pertaining to the complaint and an initial review of the case shall be conducted. At this stage the NCC shall determine if an informal resolution processes should be engaged and, if so, shall inform the complainant how to engage the available options for the informal resolution process.</p>

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Step 4	NCC	<p>Determination if Complaint Warrants Further Investigation</p> <p>The NCC, based on information in the complaint submittals and other information available, shall determine if:</p> <ul style="list-style-type: none">• The MDEQ has jurisdiction to pursue the matter; and• The complaint submittals contain sufficient merit to warrant further investigation. <p>A complaint shall warrant further investigation unless:</p> <ul style="list-style-type: none">• It clearly appears on its face to be frivolous or trivial;• Within the time allotted for making the determination of jurisdiction and investigative merit, the MDEQ reaches an agreed resolution with the complainant• Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or• The complaint was not submitted within the time limits established in Step 1. <p>Within 14 calendar days of receipt of the complaint submittals, the NCC shall inform the complainant if the complaint has or has not been accepted for further investigation. If it is determined that further investigation is not warranted, the reason for such determination shall be recorded in the case file.</p>
Step 5	NCC	<p>Further Investigation of Complaint</p> <p>If the NCC determines the complaint submittals warrant further investigation, the NCC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of MDEQ employees, other relevant witnesses, or others named in the complaint. Relevant MDEQ employees shall make themselves available as necessary.</p>
Step 6	NCC	<p>Report and Determination</p> <p>The NCC shall issue a report and determination on whether the MDEQ violated 40 CFR Part 7. The NCC shall prepare a written report of the investigation that shall include a narrative of the incident, identification of individuals interviewed and evidence reviewed, and shall contain findings and a determination. The report and determination shall be placed in the complaint file.</p> <p>Within 180 calendar days of receiving the complaint that warranted investigation, the NCC shall notify the complainant in writing of the findings of the investigation and the recommendations for resolution.</p>

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Step 7	Complainant	Appeal The person submitting the complaint may appeal the decision of the NCC by writing to the MDEQ Director within 30 calendar days of receiving the NCC's decision. The MDEQ Director shall issue a written decision in response to the appeal no later than 30 calendar days after its filing.
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D. Notice of Nondiscrimination

The MDEQ shall provide continuing notice that it does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice shall be posted in a prominent place in the MDEQ's offices or facilities. Methods of notice may also include publishing in newspapers and magazines, and placing notices in MDEQ's internal publications or on MDEQ's printed letterhead. Where appropriate or upon request, such notice shall be in a language or languages other than English. The notice shall identify the current MDEQ Nondiscrimination Compliance Coordinator as the responsible MDEQ employee designated to coordinate MDEQ's efforts to comply with its obligations under 40 CFR Part 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of the MDEQ not to discriminate on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation. In compliance with Title 40 of the Code of Federal Regulations (CFR), Part 7, the MDEQ has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging a violation of 40 CFR Part 7. The MDEQ Director has designated Barb Schaibly, Supervisor, Legal Services Section, as the MDEQ Nondiscrimination Compliance Coordinator (NCC). Laws and regulations related to this policy may be examined in the NCC's office. Any concern regarding any claim of discrimination should be reported to Barb Schaibly, the NCC; Email: Schaiblyb@michigan.gov or Phone: 517-284-5147.

To ensure individuals can invoke these grievance procedures without fear of reprisal, MDEQ explicitly prohibits retaliation against any individual for any purpose, including for the purpose of interfering with any right or privilege guaranteed under and state or federal statutes or regulations because that individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding or hearing of any kind or has opposed any practice made unlawful under and state or federal statutes or regulations. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any concern regarding retaliation should be reported to the NCC: Barb Schaibly, Supervisor, Legal Services Section; Email: Schaiblyb@michigan.gov or Phone: 517-284-5147

Approved: _____ Date: _____
C. Heidi Grether, Director

Grievance Submission Form
Department of Environmental Quality
Nondiscrimination in Programs Receiving Federal Assistance from the
United States Environmental Protection Agency
Policy/Procedure #09-024

SECTION I. COMPLAINANT INFORMATION	
Complainant Name	
Email Address	Telephone Number
Mailing Address (number, street, P.O. Box #, city, state, and zip code)	
SECTION II. INCIDENT INFORMATION	
Date of Incident	Date of Grievance Submission
Incident Location (street crossing, street number, street, city, state, and zip code)	
Identify the parties harmed or potentially harmed by the alleged discrimination. Use additional pages if necessary.	
Detail with specificity the discrimination that allegedly has occurred or will occur as the result of such action(s). Use additional pages if necessary.	

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation.

Grievance Submission Form

Department of Environmental Quality
Nondiscrimination in Programs Receiving Federal Assistance from the
United States Environmental Protection Agency
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Detail with specificity the action(s) by DEQ that allegedly resulted in discrimination in violation of 40 CFR, Part 7. Use additional pages if necessary.

SECTION III. CERTIFICATION

I certify under penalty of law that I am familiar with the information submitted and that, based on my experience and inquiry, I believe the submitted information is true, accurate and complete.

SIGNATURE

DATE

PRINT NAME

Submit your grievance to the Department of Environmental Quality, Environmental Justice Officer at the following address:

Barb Schaibly, Nondiscrimination Compliance Coordinator
Supervisor, Legal Services Section
Department of Environmental Quality
525 West Allegan Street
P.O. Box 30241
Lansing, Michigan 48909-7741

Email: Schaiblyb@michigan.gov

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